

REMARKS

Claim Amendments:

Claims 41, 66 and 80-82 have been amended to recite that the claimed methods include a step of contacting the subject with a prodrug which is activated by the expression of the suicide gene. Support for these amendments may be found, for example, at page 71, lines 22-26 of the specification. No new matter has been added by these amendments. The Examiner is hereby requested to enter these amendments.

Applicants submit that all claim amendments presented herein or previously are made solely in the interest of expediting allowance of the claims and should not be interpreted as acquiescence to any rejections or ground of unpatentability. Applicants reserve the right to file at least one continuing application to pursue any subject matter that is canceled or removed from prosecution due to the amendments.

Claims 41-46, 49-51, 58, 59, 61, 63-73, 75 and 77-82 are pending in this application.

Objection to Specification:

The Examiner's objection to the first paragraph of the specification is respectfully traversed in view of the amendment to the specification filed July 19, 2004 in which the current status of the parent application is set forth.

Withdrawal of the objection is requested.

Rejection Under 35 U.S.C. § 112:

The Examiner states at page 3 of the office action that the specification is enabling for methods which include a step of administering a prodrug which is activated by the expression of the suicide gene. Solely to expedite the prosecution of this application, the claims have been so amended.

Withdrawal of the rejection is requested.

Applicant : Noriyuki Kasahara et al.  
Serial No. : 10/045,178  
Filed : January 11, 2002  
Page : 13 of 13

Attorney's Docket No.: 06666-022002 / USC 2862B

Conclusions:

For the reasons set forth above, Applicants submit that the claims of this application are patentable. Reconsideration and withdrawal of the Examiner's objections and rejections are respectfully requested. Allowance of the claims of this application at an early date is earnestly solicited.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: September 9, 2005

Mary Ann Dillahunt  
Mary Ann Dillahunt  
Reg. No. 34,576

Fish & Richardson P.C.  
500 Arguello Street, Suite 500  
Redwood City, California 94063  
Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

50298120.doc